

**HOUSE RULES RESOLUTION - LIMIT ON  
GIFTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ralph Becker**

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**LONG TITLE**

**General Description:**

This resolution prohibits lobbyists, principals, and government officers from giving, and House members from receiving, certain gifts valued at more than \$15.

**Highlighted Provisions:**

This resolution:

- ▶ establishes the meaning of the word "gift";
- ▶ prohibits lobbyists, principals, and government officers from giving gifts valued at more than \$15 to House members or the immediate family member of a House member;
- ▶ prohibits House members from accepting gifts valued at more than \$15 from a lobbyist, principal, or government official;
- ▶ provides an enforcement mechanism through the lobbyist ethics process for lobbyists and through the House Ethics Committee for House members; and
- ▶ makes technical corrections.

**Special Clauses:**

This resolution takes effect immediately.

**Legislative Rules Affected:**

AMENDS:

**HR-38.02**

ENACTS:



28 **HR-39.01**

29 **HR-39.02**

30 **HR-39.03**

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32 *Be it resolved by the House of Representatives of the state of Utah:*

33 Section 1. **HR-38.02** is amended to read:

34 **HR-38.02. Lobbyist Code of Ethics.**

35 A lobbyist, volunteer lobbyist, or government official may not:

36 (1) attempt to influence any legislator, elected or appointed state official, state  
37 employee, or legislative employee by means of deceit or by threat of violence or economic or  
38 political reprisal against any person or property, with intent by doing so to alter or affect the  
39 legislator's, elected or appointed state official's, state employee's, or legislative employee's  
40 decision, vote, opinion, or action concerning any matter that is to be considered or performed  
41 by him or the agency or body of which he is a member;

42 (2) knowingly provide false information to any legislator, elected or appointed state  
43 official, state employee, or legislative employee as to any material fact pertaining to any  
44 legislation;

45 (3) knowingly omit, conceal, or falsify in any manner information required by the  
46 lobbyist registration and lobbyist disclosure reports;

47 (4) participate in committee assignments or leadership races of the House of  
48 Representatives;

49 (5) cause or influence the introduction of any bill or amendment for the purpose of  
50 afterwards becoming employed to secure its passage or defeat;

51 (6) misappropriate or misuse legislative office supplies;

52 (7) use legislative reproduction or facsimile machines without paying for that use;

53 (8) enter or use a legislator's, elected or appointed state official's, state employee's, or  
54 legislative employee's office, phone, computer, or parking space without explicit permission;

55 (9) attempt to remove or remove any document from any legislator's or legislative  
56 employee's office, desk, file cabinet, reproduction machine, facsimile machine, or any other  
57 place without explicit permission;

58 (10) engage in sexually harassing behavior or behavior violative of the Utah

Legislature's sexual harassment policy towards legislators or employees of the Legislature;

(11) offer employment to any legislator or legislative employee that impairs the legislator's or legislative employee's independence of judgement as to their official duties;

(12) offer employment that would require or induce a legislator or legislative employee to disclose records classified as private, protected, or controlled;

(13) use or disclose for personal financial gain any records classified as private, protected, or controlled that were obtained from a legislator or legislative employee or conspire with any person for that purpose; [or]

(14) induce or seek to induce any legislator or legislative employee into committing a violation of any provision of this House rule[-]; or

(15) give a gift to a House member in violation of HR-39.02.

Section 2. **HR-39.01** is enacted to read:

### **39. GIFTS TO MEMBERS OF THE HOUSE OF REPRESENTATIVES**

#### **HR-39.01. Definitions.**

As used in this part:

(1) (a) "Accept" means receipt of a gift and conversion of that gift to the donee's own use.

(b) "Accept" does not mean receipt of a gift by a donee if the gift is returned to the donor before it is converted to the donee's own use.

(2) (a) "Gift" means a transfer of real or personal property for less than fair and adequate consideration.

(b) "Gift" does not mean:

(i) a campaign contribution properly received and reported as required by Title 20A, Chapter 11, Campaign and Financial Reporting Requirements;

(ii) compensation, food, beverages, entertainment, transportation, lodging, or other goods or services extended to a House member by the House member's private employer;

(iii) a usual and customary commercial loan made in the ordinary course of business, without regard to the recipient's status as a House member, by a person or institution authorized by law to engage in the business of making loans;

(iv) unsolicited awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form of a certificate, plaque, trophy, desk item, wall

memento, or commemorative token of less than \$50 value but only if the item is in a form that can not be readily converted to cash;

(v) informational, educational, or promotional items, such as books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication with no substantial resale value and related to the performance of the recipient's official duties;

(vi) a subscription to a legislative periodical;

(vii) anything received from a person related by blood or marriage or a member of the House member's household unless the donor is acting as an agent or intermediary for another person not so related;

(viii) any devise or inheritance from a person related by blood or marriage or a member of the House member's household unless the donor is acting as an agent or intermediary for another person not so related;

(ix) a gift that is not used and, no later than 30 days after receipt, is:

(A) returned to the donor; or

(B) donated to a public body or to the Department of Administrative Services;

(x) a gift or gifts from one member of the Legislature to another member of the Legislature;

(xi) anything for which the House member pays or gives full value;

(xii) any service spontaneously extended to a House member in an emergency situation;

(xiii) items received from a bona fide charitable, professional, educational, or business organization to which the House member belongs as a dues-paying member, if the items are given to all members of the organization without regard to individual members' status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received;

(xiv) funeral flowers or memorials to a church or a nonprofit organization given to honor a House member, a person related to a House member by blood or marriage, or to a member of a House member's household;

(xv) unsolicited flowers, plants, and floral arrangements valued at less than \$50;

(xvi) items valued at less than \$50 for a wedding or 25th or 50th wedding anniversary celebration;

(xvii) the cost of admission, attendance, or participation, and of food and beverages consumed, at a public policy activity to which all members of the Legislature, all members of the House, or all members of a legislative committee, a legislative subcommittee, or a task force are invited;

(xviii) the cost paid, reimbursed, raised, or obtained by or for a public official for attendance or participation, and for food and beverages consumed at, or in connection with, and activities offered at or in connection with, and funds, goods, and services provided at or in connection with, or for conducting, conventions, conferences, or other events sponsored or coordinated by multistate or national organizations of, or including, state governments, state legislatures, or state legislators; or

(xix) travel and accommodations provided to a House member when the House member is representing the state in an official or ceremonial capacity, and travel and accommodations provided to a House member or spouse for which prior approval has been obtained from the Speaker, when a House member is representing the Legislature or the House in an official or ceremonial capacity.

(3) (a) "Government officer" means:

(i) an individual elected to a position in state or local government, when acting within his official capacity; or

(ii) an individual appointed to or employed in a full-time position by state or local government, when acting within the scope of his employment.

(b) "Government officer" does not mean a member of the legislative branch of state government.

(4) "Immediate family" means:

(a) the House member's spouse;

(b) the House member's children; or

(c) other persons living in the House member's household.

(5) "Lobbyist" means "lobbyist as defined in Subsections 36-11-102(9)(a) and (b).

(6) "Principal" means a person who employs a lobbyist either as an employee or as an independent contractor.

(7) (a) "Volunteer lobbyist" means a person not registered as a lobbyist who engages in lobbying as defined in Subsection 36-11-102(8).

(b) "Volunteer lobbyist" does not mean an individual who appears on the individual's own behalf to engage in lobbying as defined in Subsection 36-11-102(8).

Section 3. **HR-39.02** is enacted to read:

**HR-39.02. Certain Gifts to House Members Prohibited.**

(1) A lobbyist, volunteer lobbyist, principal, or government officer may not offer or give a gift valued at more than \$15 to any House member or member of the House member's immediate family.

(2) A lobbyist, volunteer lobbyist, principal, or government officer violating this rule is subject to an ethics complaint filed and adjudicated according to the procedures and requirements of H.R. 38, Lobbyist Ethics and Enforcement.

Section 4. **HR-39.03** is enacted to read:

**HR-39.03. Acceptance of Certain Gifts by House Members Prohibited.**

(1) A House member may not accept a gift valued at more than \$15 from a lobbyist, volunteer lobbyist, principal, or government officer.

(2) A House member violating this rule is subject to an ethics complaint filed and adjudicated according to the procedures and requirements of J.R. 16, Ethics.

Section 5. **Effective date.**

This resolution takes effect upon approval by a constitutional majority vote of all members of the House of Representatives.

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**Legislative Review Note**  
**as of 12-12-03 7:43 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**